

SECOND REGULAR SESSION

SENATE BILL NO. 1036

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS COLEMAN AND ENGLER.

Read 1st time January 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

3055S.011

AN ACT

To amend chapter 173, RSMo, by adding thereto one new section relating to a tuition grant for children and spouses of veterans killed in combat.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 173, RSMo, is amended by adding thereto one new
2 section, to be known as section 173.238, to read as follows:

**173.238. 1. As used in this section, unless the context clearly
2 requires otherwise, the following terms mean:**

3 (1) "Board", the coordinating board for higher education;

4 (2) "Books", any books required for any course for which tuition
5 was paid by a grant awarded pursuant to this section;

6 (3) "Grant", the war veteran's survivors grant as established in
7 this section;

8 (4) "Institution of postsecondary education", any approved
9 Missouri public institution of postsecondary education, as defined in
10 section 173.205;

11 (5) "Survivor", a child or spouse of a war veteran;

12 (6) "Tuition", any tuition or incidental fee, or both, charged by an
13 institution of postsecondary education for attendance at the institution
14 by a student as a resident of this state;

15 (7) "War veteran", a person who served in armed combat in the
16 military and to whom the following criteria shall apply:

17 (a) The veteran was a Missouri resident when first entering the
18 military service and at the time of death; and

19 (b) The veteran dies as a result of combat action or the veteran's
20 death was certified by a Veterans' Administration medical authority to
21 be attributable to an illness that was contracted while serving in

22 **combat.**

23 **2. Within the limits of the amounts appropriated therefor, the**
24 **coordinating board for higher education shall award annually up to**
25 **twenty-five grants to survivors of war veterans to attend institutions**
26 **of postsecondary education in this state, which shall continue to be**
27 **awarded annually to eligible recipients as long as the recipient**
28 **achieves and maintains a cumulative grade point average of at least**
29 **two and one-half on a four point scale, or its equivalent. If the waiting**
30 **list of eligible survivors exceeds fifty, the coordinating board may**
31 **petition the general assembly to expand the quota. If the quota is not**
32 **expanded, then the eligibility of survivors on the waiting list shall be**
33 **extended.**

34 **3. A survivor may receive a grant pursuant to this section only**
35 **so long as the survivor is enrolled in a program leading to a certificate,**
36 **or an associate or baccalaureate degree. In no event shall a survivor**
37 **receive a grant beyond the completion of the first baccalaureate**
38 **degree, regardless of age.**

39 **4. The coordinating board for higher education shall:**

40 **(1) Promulgate all necessary rules and regulations for the**
41 **implementation of this section; and**

42 **(2) Provide the forms and determine the procedures necessary**
43 **for a survivor to apply for and receive a grant under this section.**

44 **5. Any rule or portion of a rule, as that term is defined in section**
45 **536.010, RSMo, that is created under the authority delegated in this**
46 **section shall become effective only if it complies with and is subject to**
47 **all of the provisions of chapter 536, RSMo, and, if applicable, section**
48 **536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
49 **and if any of the powers vested with the general assembly pursuant to**
50 **chapter 536, RSMo, to review, to delay the effective date, or to**
51 **disapprove and annul a rule are subsequently held unconstitutional,**
52 **then the grant of rulemaking authority and any rule proposed or**
53 **adopted after August 28, 2008, shall be invalid and void.**

54 **6. In order to be eligible to receive a grant pursuant to this**
55 **section, a survivor shall be certified as eligible by the Missouri**
56 **veterans' commission. In the case of an illness-related death, such**
57 **certification shall be made upon qualified medical certification by a**
58 **Veterans' Administration medical authority that the illness was both a**

59 **direct result of the veteran's combat service and a substantial factor in**
60 **the cause of the resulting death of the veteran.**

61 **7. A survivor who is enrolled or has been accepted for enrollment**
62 **as an undergraduate postsecondary student at an approved institution**
63 **of postsecondary education, and who is selected to receive a grant**
64 **under this section, shall receive the following:**

65 **(1) An amount not to exceed half of the survivor's actual tuition;**

66 **(2) An allowance of up to two thousand dollars per semester for**
67 **room and board; and**

68 **(3) The actual cost of books, up to a maximum of five hundred**
69 **dollars per semester.**

70 **8. A survivor who is a recipient of a grant may transfer from one**
71 **approved public institution of postsecondary education to another**
72 **without losing his or her entitlement under this section. The board**
73 **shall make necessary adjustments in the amount of the grant. If a grant**
74 **recipient at any time withdraws from the institution of postsecondary**
75 **education so that under the rules and regulations of that institution he**
76 **or she is entitled to a refund of any tuition, fees, room and board,**
77 **books, or other charges, the institution shall pay the portion of the**
78 **refund to which he or she is entitled attributable to the grant for that**
79 **semester or similar grading period to the board.**

80 **9. If a survivor is granted financial assistance under any other**
81 **student aid program, public or private, the full amount of such aid shall**
82 **be reported to the board by the institution and the eligible survivor.**

83 **10. Nothing in this section shall be construed as a promise or**
84 **guarantee that a person will be admitted to an institution of**
85 **postsecondary education or to a particular institution of postsecondary**
86 **education, will be allowed to continue to attend an institution of**
87 **postsecondary education after having been admitted, or will be**
88 **graduated from an institution of postsecondary education.**

89 **11. The benefits conferred by this section shall be available to**
90 **any academically qualified surviving spouse or children of war**
91 **veterans. Surviving children who are eligible shall be permitted to**
92 **apply for full benefits conferred by this section until they reach twenty-**
93 **five years of age.**

94 **12. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

95 **(1) The provisions of the new program authorized under this**

96 section shall automatically sunset six years after the effective date of
97 this section unless reauthorized by an act of the general assembly; and

98 (2) If such program is reauthorized, the program authorized
99 under this section shall automatically sunset twelve years after the
100 effective date of the reauthorization of this section; and

101 (3) This section shall terminate on September first of the
102 calendar year immediately following the calendar year in which the
103 program authorized under this section is sunset.

Unofficial

Bill

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